

October 9, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable acting Mayor LINDA ROBINSON. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). Mayor PATRICK HENRY HAYS was absent. City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Hight, followed by the pledge of allegiance to the flag which was led by Alderman Witcher.

On the motion of Alderman Witcher and seconded by Alderman Berry and by consent of all members present, the minutes of a regular council meeting and a special call meeting held on Monday, September 25, 2006, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, communication #8 was read, accepted and filed (8/0).

8. Mayor Hays letter to Diane Whitbey, City Clerk and City Council members re: out of town Monday, October 9, 2006, attending American Public Power Association seminar on electric utility issues in Cambridge, Massachusetts. Alderwoman Robinson to preside over council meeting.

On the blanket motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, communications # 1, 3, 4, 5, and 6 were accepted and filed (8/0).

1. Bob Scroggs, (via facsimile) Petition requesting Speed Hump on Water Street (20 signatures).
3. Donna Easter, Petition requesting Speed Hump on Vine Street (21 signatures).
4. Joe Smith, Director of Commerce and Governmental Relations/Purchasing memorandum dated October 3, 2006, to Mayor Hays re: City Auction, Thursday, October 26, 2006.
5. Dan Flowers, Director of Highways and Transportation, Arkansas Highway and Transportation Department letter to Mayor Hays re: sound/crash barrier wall along I-40 in the Levy area. A public hearing will be held (Spring) 2007.
6. Jim Harvey, CEO Central Arkansas Water memorandum to Mayor Hays and City Council re: Update on Water Consumption and Supply. (All-time record usage - 16.4 billion gallons for first eight months of 2006).

On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Mary Ann Baxter - Petition requesting Speed Hump on Fairway between McCain and North Hills Boulevard (19 signatures).

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #7 was read by title only, accepted and filed (8/0).

7. Willie Elizandro, Airport Director memorandum to Mayor Hays re: Notice of Public Hearing for North Little Rock Airport, October 16, 2006, at 7:00 p.m. at the North Little Rock Airport, Emma Hall Administration Building. The purpose is to get public input concerning update of the Airport Master Plan.

On the motion of Alderman Berry and seconded by Alderman Witcher, and by consent of all members present, communication #9 was read, accepted and filed (8/0).

9. US Senator Blanche L. Lincoln letter to Mayor Hays re: congratulating city on obtaining \$140,080.00 grant from US Department of Justice's Gang Resistance Education and Training Grant Program.

On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, communication #10 was read, accepted and filed (8/0).

10. Wayne Rathbun, District Manager, Waste Management - Little Rock, letter to Mayor Hays re: agreement between Waste Management and City of North Little Rock for residential recycling requesting adjustment to the current rate of \$1.89, effective October 1, 2006; upward to \$1.97 based on a 4.3% upward fluctuation in the Consumer Price Index (CPI).

Acting Mayor Robinson invited Fire Chief Joe McCall to come forward and read a proclamation proclaiming the week of October 8 - 14, 2006, as annual Fire Prevention Week and encouraged all residents to observe Fire Safety. The goal for this year is to prevent cooking/kitchen fires. Chief McCall invited everyone to Fire Fest, Tuesday, October 10, 2006, from 5:00 - 8:00 p.m., at the Kroger Parking lot on McCain Boulevard. Various apparatus from surrounding areas will be on display, along with the Fire Safety house and more.

UNFINISHED BUSINESS

O-06-77

AN ORDINANCE ESTABLISHING A LOW INCOME ELECTRIC CUSTOMER ASSISTANCE FUND FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on August 28, 2006, was read a third and final time September 11, 2006, and amended, was read again and held at the request of acting Mayor Robinson for the sponsor, Mayor Hays.

NEW BUSINESS

R-06-129 (RESOLUTION NO. 7002 - MAYOR HAYS)

A RESOLUTION APPOINTING MICHAEL ROWETT TO THE UNEXPIRED TERM OF REVEREND W. L. ROBINSON ON THE LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-130 (RESOLUTION NO. 7003 - MAYOR HAYS)

A RESOLUTION APPOINTING JIM JULIAN TO THE UNEXPIRED TERM OF ROGER MARLIN ON THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-131 (RESOLUTION NO. 7004 - MAYOR HAYS)

A RESOLUTION REGARDING THE DEVELOPMENT OF THE 2007 ANNUAL BUDGET UPON VOTER APPROVAL OF ORDINANCE NO. 7858; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0). Alderman Gipson briefly reviewed the proposal.

R-06-132 (RESOLUTION NO. 7005 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1624 WEST 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A public hearing was convened by acting Mayor Robinson. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owners: Keith and Debbie Waggoner*)

R-06-133 (RESOLUTION NO. 7006 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1230 WEST 10TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A public hearing was convened by acting Mayor Robinson. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Alfred Boyd*)

R-06-134 (RESOLUTION NO. 7007 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 118 EAST 19TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A public hearing was convened by acting Mayor Robinson. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Daryl Talley*)

R-06-135 (RESOLUTION NO. 7008 - MAYOR HAYS)

A RESOLUTION ENDORSING AND SUPPORTING THE BURNS PARK MASTER PLAN OF THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-136 (RESOLUTION NO. 7009 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE DONATION OF PROPERTY FROM PFEIFER FAMILY LIMITED PARTNERSHIP NO. 1 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ALL DOCUMENTATION GOVERNING THE DONATION; AND FOR OTHER PURPOSES, was read. Alderman Bryant thanked Mr. Pfeifer for the donation which will extend trails in the park. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-137 (RESOLUTION NO. 7010 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE DONATION OF A UTILITY TRAILER FROM J K ENTERPRISES, INC.; AND FOR OTHER PURPOSES, was read. (The trailer will be used by the Police Department and is valued at \$47,000.00). On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-138 (RESOLUTION NO. 7011 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROGRAM AGREEMENT WITH ARKANSAS BOATHOUSE CLUB; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). Alderman Bryant said members of the club were excited about being located in North Little Rock and invited Lynette Watts and Larry Crane to speak. Ms. Watts said the rowing program is limited to persons ages 14 and up.

R-06-139 (RESOLUTION NO. 7012 - ALDERMAN GIPSON)

A RESOLUTION APPROPRIATING \$20,000.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-140 (RESOLUTION NO. 7013 - MAYOR HAYS, ALDERMEN WITCHER, BRYANT, GIPSON AND HIGHT)

A RESOLUTION URGING CITIZENS OF THE CITY OF NORTH LITTLE ROCK TO SUPPORT AND TO ENDORSE THE 2006 HIGHER EDUCATION BOND INITIATIVE ON THE GENERAL ELECTION BALLOT ON NOVEMBER 7, 2006; AND FOR OTHER PURPOSES, was read. Mayor Robinson recognized individuals from Pulaski Tech who were present and invited Dr. Dan Bakke to speak. On the motion of Alderman Berry and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-141 (RESOLUTION NO. 7014 - ALDERMAN GIPSON)

A RESOLUTION REQUESTING AN INSPECTION OF CAR LOTS ~~ON EAST BROADWAY IN NORTH LITTLE ROCK~~; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: *strike through on East Broadway in the title, 2nd whereas and Section 1: and replace with* IN NORTH LITTLE ROCK (8/0). On the motion of Alderman

Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

O-06-91

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO ADD DEFINITIONS AND A NEW ZONING CLASSIFICATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). A public hearing was scheduled for Monday, October 23, 2006, at 7:05 p.m. The ordinance was read a second time and held at the request of acting Mayor Robinson for the sponsor, Mayor Hays.

O-06-92 (ORDINANCE NO. 7865 - MAYOR HAYS)

AN ORDINANCE APPROVING THE SALE OF CERTAIN REAL PROPERTY BY THE CITY OF NORTH LITTLE ROCK AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LAND PURCHASE AND SALE AGREEMENT WITH C A DEVELOPMENT, LLC; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, (and after explanation by Mr. Suskie) the ordinance was amended as follows:: *substitute copy provided this date (see legal description under item 1. and clause under item 8)* (8/0). On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the *Contract to Buy and Sell Real Estate* was amended as follows:: *Item 8. insert 120 DAYS in the blank.* (8/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, Exhibit "A" was amended as follows:: *parking area illustrated on exhibit (56 spots) shall be public parking* (8/0). Mr. Joe Smith, Commerce and Governmental Affairs Director, reviewed the proposal and advised the Public Building Authority will build the public parking lot. The ordinance was read a second time as amended. On the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading as amended (8/0). On the motion of Alderman Berry and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-06-93 (ORDINANCE NO. 7866 - MAYOR HAYS)

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE § 42-32, ILLUSTRATIVE ENUMERATION, TO INCLUDE GRAFFITI AS A NUISANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-06-94 (ORDINANCE NO. 7867 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "WEAVER ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE WEAVER ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). After discussion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-06-95 (ORDINANCE NO. 7868 - ALDERMAN BRYANT)

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN ANTIQUE CAR RESTORATION BUSINESS IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3701 JFK BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amended as follows:: *Section 2. c) insert OR PARKED, and f) insert RESTORATION, and g) strike outside* (8/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Chris Carpenter*)

O-06-96 (ORDINANCE NO. 7869 - ALDERMAN PARKER)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY BOUNDED BY BRIDGEWAY ROAD, WESTWIND DRIVE AND BETTS LANE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT C-2 TO R-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Parker, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENTS-----

Alderman Gipson distributed a memorandum re: the Main Community Center and requested a voice vote for reallocation of funds so improvements can be made to the center. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present *through a voice vote*, the voice vote (*to move unused funds in the amount of \$307,135.90 from*

the Sales Tax Capital Improvement Fund) was unanimously approved (8/0). Mr. Tom Wadley, Director of Code Enforcement advised a number of businesses (car lots on East Broadway) had violations and will provide a written report (communication) for the next council meeting. Alderman Hight asked Mr. (Joe) Smith the status of a pile of dirt at a construction site located at McCain and Ridge Road. Mr. Smith met with one of the partners on the project who said it will be taken care of. Alderman Bryant asked about options such as placing a lien on the property. Alderman Hight asked about white and orange AT&T markers (6' to 7' high) which are appearing in residential neighborhoods and asked if there was an alternative. Mr. Suskie visited with AT&T representatives regarding the markers. Alderman Witcher reminded everyone Personal Property Taxes are due October 10 (tomorrow). There will be a beam signing event at the Stephens - Dickey Park Thursday, October 12, 2006. Alderwoman Robinson thanked Harold Ford, Sanitation Director for taking care of discarded tires in her area. Mr. Mike Smith provided an update regarding the condition of the Redwood Tunnel. The street department is cleaning up the area. A camera was used in the tunnel and either still pictures or video of the tunnel should be available at the next council meeting. Alderman Gipson asked about work in the area of the Interstate and North Hills Boulevard. Mr. (Mike) Smith said the Water Department is working on a line in the area which will go under the Interstate. Rocks, etc. in the area have caused problems. The project is necessary due to growth in the area. Alderman Bryant expressed thanks for the donation of a decontamination trailer to the city. He also thanked Lindsey's Hospitality House for sponsoring a fund raiser for Our Club. Alderman Gipson said the North Little Rock Woman's Club Fall Follies will be Saturday, November 4, 2006, at the Hays Center. Anyone wanting tickets should contact Joan Weese at 753-2426 (tickets are \$20.00). A motion to adjourn was made by Alderman Gipson and seconded by Alderman Bryant. Mr. James Ard said an Alderman had questioned his qualification to run for Alderman and advised he was unable to knock on doors due to his mother's illness. Mr. Ard commended acting Mayor Robinson for conducting the meeting. Mr. Ard asked who would be responsible for removing graffiti.

There being no further business to come before the Council, and on the previous motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the meeting adjourned at 8:12 p.m. (8/0), until the next regular meeting to be held on Monday, October 23, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK